

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LAGOS PRIORITY

C O N F I D E N T I A L STATE 241285

E.O. 11652: GDS

AGS: SHUM, MASS

SUBJECT: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS INFORMATION

REF: A) STATE 231122, B) LAGOS A-30

1. SENATOR HUMPHREY AS CHAIRMAN OF THE FOREIGN ASSISTANCE
SUBCOMMITTEE HAS ASKED THE DEPARTMENT TO PROVIDE THE SUB-
COMMITTEE STAFF BASIC HUMAN RIGHTS DATA AND INFORMATION
ON 17 COUNTRIES, INCLUDING NIGERIA, ON A CONFIDENTIAL
BASIS FOR THE STAFF'S USE IN PREPARING LEGISLATION. IN
RESPONSE TO THIS REQUEST, THE SECRETARY HAS AUTHORIZED US
TO PROVIDE THE SUBCOMMITTEE WITH THIS BASIC DATA AND IN-
FORMATION USING AS A BASIS THEREFOR UPDATED DRAFTS OF HUMAN
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RIGHTS OBSERVANCE REPORTS ON THE 17 COUNTRIES WHICH THE

DEPARTMENT HAS BEEN PREPARING FOR POSSIBLE SUBMISSION EARLY NEXT YEAR IN ACCORDANCE WITH SECTION 502B(B) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976. (THE TEXT AND A DISCUSSION OF THE RELEVANT LEGISLATIVE PROVISIONS WERE TRANSMITTED BY REFTEL.) ALL INFORMATION WILL BE PROVIDED ON A CLASSIFIED BASIS, AS SENATOR HUMPHREY REQUESTED AND THE SECRETARY HAS DIRECTED, ALTHOUGH PUBLIC DISCLOSURE CANNOT BE PRECLUDED.

2. WE HAVE INFORMED THE SUBCOMMITTEE THAT THE REQUESTED INFORMATION IS BEING COLLECTED AND PREPARED FOR TURNOVER OCTOBER 8. ACCORDINGLY, CORRECTIONS, UPDATING INFORMATION, COMMENTS AND EMBASSY CLEARANCE ON THE LATEST, PARTIALLY CLEARED, DRAFT OF THE HUMAN RIGHTS OBSERVANCE ON NIGERIA, TRANSMITTED BELOW, ARE NEEDED URGENTLY, BY COB WASHINGTON SEPTEMBER 30 LATEST, TO ALLOW TIME FOR COMPLETION OF THE CLEARANCE PROCESS, TYPING AND SUBMISSION TO CONGRESS BY THE DEADLINE INDICATED.

3. TEXT OF DRAFT HUMAN RIGHTS REPORT FOR NIGERIA FOLLOWS.
QUOTE: I. POLITICAL SITUATION - A MILITARY COUP IN 1966 BROUGHT THE FEDERAL MILITARY GOVERNMENT TO POWER. AFTER THE 1967-70 QUOTE BIAFRA UNQUOTE WAR, AMNESTY WAS EXTENDED TO ALL BUT A FEW SECESSIONIST LEADERS AND NIGERIA ACHIEVED NOTEWORTHY SUCESS IN BRINGING ABOUT INTERNAL RECONCILIATION AND THE REINTEGRATION OF SECESSIONIST ELEMENTS. ON JULY 29, 1975 A BLOODLESS COUP RESULTED IN A CHANGE OF GOVERNMENT LEADERSHIP. ON FEBRUARY 13, 1976 THE HEAD OF STATE WAS ASSASSINATED IN AN ABORTED COUP.

THERE IS A BAN ON POLITICAL PARTIES AND NATIONAL ACTIVITY, BUT LOCAL GOVERNMENT ELECTIONS HAVE BEEN CALLED FOR DEC. 1976. THE FEDERAL MILITARY GOVERNMENT RULES BY DECREE. RETURN TO CIVILIAN RULE HAS BEEN PROMISED FOR OCT. 1, 1979.

II. LEGAL SITUATION - CHAPTER III OF THE 1963 CONSTITUTION CONTAINS BROAD HUMAN RIGHTS GUARANTEES WHICH REMAIN IN FORCE DESPITE THE AMENDMENT OR SUSPENSION OF OTHER SECTIONS FOLLOWING THE 1966 MILITARY COUP. OCCASIONAL DECREES
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CUMSCRIBE THESE. A TEN-YEAR OLD STATE OF EMERGENCY REMAINS IN EFFECT, AS DO THE DECREES (PARTICULARLY THE ARMED FORCES AND POLICE SPECIAL POWERS DECREE NO. 24 OF 1970) WHICH PREVENT THE JUDICIARY FROM QUESTIONING THE SUBSTANCE OF FMG AUTHORITY TO DETAIN PERSONS WITHOUT TRIAL. A NEW AGENCY, THE NATIONAL SECURITY ORGANIZATION (NSO), HAS BEEN CREATED SINCE THAT FEBRUARY 1976 COUP ATTEMPT AND HAS WIDE-RANGING INVESTIGATING POWERS.

THE TREASON AND OTHER OFFENSES (SPECIAL MILITARY TRIBUNAL)
DECREE (NO. 8) 1976 EMPOWERS THE RULING SUPREME MILITARY

TRIAL OF ANY PERSON, WHETHER OR NOT A MEMBER OF THE ARMED
FORCES WHO IN CONNECTION WITH THE RECENT (FEBRUARY 13,
1976) REBELLION AGAINST THE GOVERNMENT COMMITTED THE
OFFENSE OF TREASON, MURDER OR ANY OFFENSE UNDER THE LAW
IN NIGERIA UNQUOTE. THE SPECIAL TRIBUNAL SETS ITS OWN
PROCEDURES QUOTE EITHER GENERALLY ON OR FOR THE PURPOSE
OF ANY PARTICULAR TRIAL UNQUOTE. DECISIONS OF THE TRI-
BUNAL ARE NOT SUBJECT TO APPEAL EXCEPT THAT SENTENCES ARE
TRANSMITTED TO THE SMC FOR CONFIRMATION.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS-
A. INTEGRITY OF THE PERSON - ARTICLE 3: THE RIGHT TO LIFE,
LIBERTY AND SECURITY OF THE PERSON IS GENERALLY OBSERVED,
ALTHOUGH EXCEPTIONS TO THIS RULE OCCUR WITH RESPECT TO
THE SECURITY OF THE PERSON. ARTICLE 5: TORTURE, CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT DOES NOT
APPEAR TO EXIST. PUBLIC EXECUTION IS STANDARD PRACTICE.
ARTICLE 8: ACCESS TO LEGAL REMEDIES IS AVAILABLE.
ARTICLE 9: POLITICAL ARRESTS AND DETENTIONS MAY TAKE PLACE
UNDER THE STATE OF EMERGENCY PROVISIONS, AS AMENDED BY
DECREE. HOWEVER, USE OF THESE POWERS IS GENERALLY IN
ABEYANCE AT PRESENT. NON-POLITICAL CASES ARE HANDLED
UNDER CRIMINAL PROCEDURES WHICH ARE OBSERVED. ARTICLE 10:
GUARANTEES WITH RESPECT TO FAIR HEARINGS ARE AVAILABLE
AND GENERALLY OBSERVED. THE RIGHT IS SOMEWHAT CIRCUM-
SCRIBED BY DECREE, HOWEVER. ARTICLE 11: FAIR TRIALS, WITH
APPROPRIATE GUARANTEES, APPEAR TO BE GENERALLY AVAILABLE,
AS MODIFIED BY DECREE UNDER STATE OF EMERGENCY PROVISIONS.

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IV. OTHER HUMAN RIGHTS REPORTING - IN JUNE 1973 THE INTER-
NATIONAL LEAGUE FOR THE RIGHTS OF MAN CRITICIZED THE
FMG FOR HOLDING--SINCE THE END OF THE CIVIL WAR--THIRTY
IBO MILITARY OFFICERS WITHOUT CHARGES OR TRIAL. ALL BUT
FOUR SUBSEQUENTLY HAVE BEEN RELEASED. THE FMG DID NOT
CONSIDER THE IBO OFFICERS TO BE POLITICAL PRISONERS, BUT
TO BE PERPETRATORS OF CIVIL OR MILITARY CRIMES.

THE 1975 QUOTE REPORT ON TORTURE UNQUOTE BY AMNESTY
INTERNATIONAL DID NOT LIST NIGERIA AS A SUBJECT OF CON-
CERN BUT DID REFER TO THE TORTURE OF CIVILIANS BY TROOPS
ON BOTH SIDES IN LARGE-SCALE ETHNIC CONFLICTS IN NIGERIA,
SUDAN AND BURUNDI.

FREEDOM HOUSE LISTS NIGERIA AS QUOTE PARTIALLY FREE UNQUOTE.

UNQUOTE. ROBINSON

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